

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 07, 2014

The regular meeting of the Second Injury Board convened at 2:01 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Mr. Steve Hawkland, representing Secretary of State
4. Ms. Lori Pierce, representing State Treasurer
5. Ms. Pauline Williams, SIB Director
6. Michelle Sumrall, Compliance Supervisor
7. Karl Scott, General Counsel
8. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hawkland moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 2* on the agenda, no hearing schedule so Mr. Hansberry moved to *Item 3* on the agenda.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (6) claims; beginning with Claim #13-0543 and ending with Claim #14-0280. The motion was made by Mr. Hawkland and seconded by Mr. Hataway and passed unanimously.

1.	13-0543	Louisiana Office of Risk Management	104 week deductible
2.	13-0784	Louisiana Workers' Compensation Corporation	104 week deductible
3.	13-0786	Louisiana Workers' Compensation Corporation	104 week deductible
4.	13-1055	Louisiana Restaurant Association	104 week deductible
5.	14-0242	Louisiana Workers' Compensation Corporation	104 week deductible
6.	14-0280	City of New Orleans	104 week deductible

Mr. Hansberry asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (54) claims; beginning with Claim #13-0049 and ending with Claim #14-0376. There are two items; *Item 8* claim# 13-0638 and *Item 14* claim# 13-0892 have both been postponed.

1. 13-0049 Archdiocese of New Orleans
2. 13-0113 None Documented
3. 13-0395 Louisiana Workers' Compensation Corporation
4. 13-0405 Louisiana Commerce & Trade Association
5. 13-0432 Bridgefield Casualty Insurance Company
6. 13-0549 City of Lake Charles
7. 13-0598 Ace American Insurance Company
8. ~~13-0638 Louisiana Health Care SIF Postponed~~
9. 13-0661 City of Baton Rouge, East Baton Rouge Parish
10. 13-0663 LEMIC Insurance Company
11. 13-0792 FEDEX Ground Package System
12. 13-0851 LEMIC Insurance Company
13. 13-0882 Ace American Insurance Company
14. ~~13-0892 American Casualty of Reading, PA Postponed~~
15. 13-0899 Louisiana Commerce & Trade Association
16. 13-0949 Louisiana Health Care SIF
17. 13-0992 Louisiana Commerce & Trade Association
18. 13-1008 C N A Insurance Co
19. 13-1015 Zurich American Insurance Company
20. 13-1027 Louisiana Office of Risk Management
21. 13-1028 Ace American Insurance Company
22. 13-1030 American Interstate Insurance Co
23. 13-1033 Louisiana Office of Risk Management
24. 13-1038 LA Retailers Mutual Insurance Co
25. 13-1039 New Hampshire Insurance Company
26. 13-1045 Zurich American Insurance Company
27. 13-1046 New Hampshire Insurance Company
28. 13-1047 Arch Insurance Company
29. 13-1048 Racetrace Petroleum, Inc.
30. 13-1050 LEMIC Insurance Company
31. 13-1051 Zurich American Insurance Company
32. 13-1052 LEMIC Insurance Co
33. 13-1061 LUBA Casualty Insurance Company
34. 13-1062 Louisiana Auto Dealers Association
35. 13-1069 New Hampshire Insurance Company
36. 13-1070 St. Tammany Parish School Board
37. 13-1071 St. Tammany Parish School Board
38. 13-1073 Great American Alliance Insurance Co
39. 13-1075 Ace American Insurance Co
40. 13-1082 Louisiana Office of Risk Management
41. 13-1084 Zurich American Insurance Co
42. 13-1090 Webster Parish School Board
43. 14-0017 Autozone, Inc.
44. 14-0031 Louisiana Health Care SIF
45. 14-0043 LEMIC Insurance Company
46. 14-0046 LEMIC Insurance Company
47. 14-0047 Louisiana Auto Dealers Association
48. 14-0124 Indemnity Insurance Company of North America

- 49. 14-0204 LUBA Casualty Insurance Company
- 50. 14-0222 Zurich American Insurance Company
- 51. 14-0243 Louisiana Office of Risk Management
- 52. 14-0250 Doerle's Food Service, Inc.
- 53. 14-0363 St. James Parish School Board
- 54. 14-0376 Ace American Insurance Company

Mr. Hawkland moved to accept the recommendation of staff to deny these claims. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (129) partial payments beginning with Claim #80-0247 and ending with Claim #12-0708. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of August 7, 2014. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (96) quarterly payments due beginning with Claim #87-0290 and ending with Claim #12-0327. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of August 7, 2014. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hataway seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman request to expand the agenda under section 9 for "Any other matters requiring attention", there will be a short presentation regarding the status of the LRS partnership with the Second Injury program, this information will be provided by Mr. Hataway. Mr. Hawkland moved to expand the agenda, Ms. Pierce second the motion and it was passed unanimously. Mr. Hansberry moved to *Item 8a* of the agenda, being settlement recommendations. There's (13) items, there's (11) that the Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

- 1. 99-0611 – Indemnity portion only
- 2. 08-0582
- 3. 09-0181

4. 10-0001
5. 10-0417
6. 10-0620
7. 11-0482 – Indemnity portion only
8. 11-0701 - (tied to) 05-0173 Indemnity portion only on both
9. 12-0318
10. 12-0638
11. 09-0204

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Lori and passed unanimously.

The following claim were recommended to be denied for settlement and be paid on an on-going basis:

1. 08-0550
2. 11-0879

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #04-0215 continued litigation
2. Claim #12-0777 settlement authority
3. Claim #13-0457 settlement authority
4. Claim #11-0489 continued litigation
5. Claim #12-0409 settlement authority
6. Claim #10-0152 settlement authority
7. Claim #10-0335 settlement authority
8. Claim #13-0065 settlement authority

Mr. Hataway moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 9* of the agenda, is the presentation of Mr. Hataway. Mr. Hataway states that the presentation is a refresher course (see attached). Mrs. Williams states that in the past couple of years in the month of July or August the board approved the full 1% to be allocated at the beginning of the fiscal year than half way again in the month of January. Mr. Hansberry asked the pleasure of the board. Mr. Hataway motion that

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in the beginning of our fiscal year we allocate 1% of our total budget the partnership of LRS which was second by Mr. Hawkland.

There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. Hataway made the motion which was seconded by Mr. Hawkland and passed unanimously.

The meeting was adjourned at 2:25 p.m.

Recording Secretary: Shaneka Davis